

FOR350-40 Course Syllabus

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Contact Information

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Course Information

Course Title	Modern White-Collar Crime (Lying, Cheating and Stealing In the 21st Century)
Course Number	FOR350-40A
Course Discipline	Forensics
Course Description	White-Collar Crime: The definition of "White-Collar Crimes" is bland enough - they are criminal acts that are committed with the intent to gain wealth and/or power while at the same time concealing the identity and criminal purpose of the actor from his/her victim. But the impact of these crimes is devastating. According to one estimate, taxpayers are paying over \$100 billion for white-collar crime committed during the "Savings & Loan Scandals" of the 1980s.

As the United States entered the 21st century, there was an explosion of white-collar crime. Estimates of Health-Care Fraud exceeded \$100 billion annually. In the "Enron Scandal" alone, at least five thousand Enron employees lost their jobs as well as \$1.2 billion in retirement savings. In 2002, Congress responded with the "Sarbanes-Oxley Act" - the toughest, most comprehensive white-collar crime legislation in more than 60 years. By June 2006, the Federal Corporate Fraud Task Force (organized in 2003) had convicted more than 1,000 former corporate executives, including more than 160 former CEOs. In 2004-05, juries in New York

convicted several former "Masters of the Universe" including Bernard Ebbers (World Com); Dennis Kozlowski (Tyco) and John and Timothy Rigas (Adelphia). In June 2006, a Houston jury convicted former Enron CEOs Jeffrey Skilling and Kenneth Lay in the most highly-publicized White-Collar Crime trial ever held in the United States. Mr. Lay died of a heart attack before he was sentenced. The rest may well die in jail.

Most of the big corporate trials were over by the end of 2006. But White-Collar Crime continued unabated. The Federal Government (i.e. taxpayers) continued to be a very conspicuous victim. Recoveries under the False Claims Act broke all records (\$3.1 billion) with Health Care Fraud (\$2.2 billion) accounting for more than two thirds of the total recovery.

By spring 2008, "mortgage fraud" had played a significant part in the "mortgage meltdown" that led to the "write down" of tens of billions of dollars in assets and threatened to send the U.S. Economy into recession.

**Course
Date**

September 2 – October 17, 2008

Course Objectives

This course will identify and discuss white-collar crimes from fraud and embezzlement to Medicaid/Medicare fraud with particular emphasis on the use of the Internet and computers to commit these crimes. Students will be required to read and understand the Text Book as well as Appellate Court decisions involving white-collar crimes. By the end of the process, students will be required to:

1. be familiar with the many ways white-collar crimes are committed;
2. know the "essential elements" of many of these crimes;
3. understand the evidence necessary to prove these crimes; and
4. have an informed opinion on whether the outcome of the prosecution has met the traditional goal of the criminal law –protection of the public at large.

Textbooks

Profit Without Honor, Prentice Hall, 4th Edition (2007).

Appellate Court cases, statutes and U.S. Justice Department summaries of cases are referenced in lecture slides. The cases and statutes are accessible on the Westlaw database which is, in turn, available through the Champlain College Library. Most of the cases, summaries and statutes are also included in the "cases" folder.

Requirements: Students will be required to complete assignments as set out in the syllabus.

Week 1 (9/2)– (1) Text: pp.1-11, 30-32, 70-79 and 122-132; (2) PowerPoint: (a)Review Reading -- “Introduction,” “Price-Fixing” and “Unsafe Products;” (2) PowerPoint: Remedies (3) Appellate Cases: *U.S. v. Park*, 421 U.S. 658 (1975) and (4) *Censullo* Plea Agreement

Week 2 (9/8) – (1) Text pp. 245-68, and 295-327; (2) Power Point: (a) Review Reading (a) General Corporate Misconduct (pp. 245-68) and (b) Corporate Fraud-Enron & WorldCom (pp. 295-327); (c) Enron-Lay-Skilling Trial and (3) Indictments of Ken Lay and Jeffrey Skilling (Enron)

Week 3 (9/15) - (1) Text pp. 167-200; (2) Power Point: (a) Review Reading – Environmental Corruption (pp.167-80); (b) Proving Criminal Responsibility (180-200); (c) Facilitator Fraud; (d) Problems In Proving White-Collar Crimes; (3) Appellate Cases: *Arthur Andersen LLP v. U.S.*, 544 U.S. 696 (2005); *State v. Brooks*, 163 Vt. 658 (1995)

Week 4 (9/22)– (1) Text- pp. 337 – 46 and pp. 419-44;(2) Power Point: (a) Fiduciary Fraud (pp.337-46)& Fraud Schemes; (b) Public Corruption (pp.419-44);(c) Public Corruption-Slides; (d) Halliburton; (3)Appellate Case: *US v. Frykholm*, 362 F3d 413 (7th Cir. 2004)

Week 5 (9/29) - (1) Text: pp. 350-360; (2) Power Point: (a) Review Reading “Fiduciary Fraud (pp.350-60) & slides “Keating cases;” (b) 21st Century Real Estate Fraud; (c) Identity theft; (3) Appellate Cases: *U.S. v. Edelkind*, 467 F3d 791 (1st Cir. 2006); *U.S. v. McCoy*, 508 F3d 74 (1st Cir. 2007)

Week 6 (10/6) - (1) Text pp. 500-42; (2) Power Point: (a) Review Reading – Computer Crimes; (b) Computer Crime Cases ; (c) Copyright infringement; (3) Appellate Case: *MGM v. Grokster*, 545 U.S. 913 (2005). (Optional reading: *US v. Councilman*, 418 F3d 67 (1st Cir. 2005) (2d decision).

Week 7 (10/13) - (1) Text-pp. 469-495; (2) Power Point: (a) Review Reading- Health Care Fraud; (b) Health Care Fraud – survey of cases; (c) False Claims Act; (3) Appellate case: *US v. Thurston*, 358 F3d 51(1st Cir. 2004). (Optional reading: Luigi Zingales, Who Blows The Whistle On Corporate Fraud?- “Cases” folder)

* Academic Honesty – If a student is found to have cheated, the

student will be given a "0" for that assignment. A student found cheating a second time is subject to a harsher penalty, including dismissal from school.

Participation and Attendance

Students will be required to complete assignments as set out in the syllabus.

Methods of Evaluation

- Grades: The final exam will count for 40% of the total grade.
- Quizzes/ Assignments: There will be quizzes/assignments that will count for 40% of the total grade.
- Discussion: Discussion will count for 20 % of the final grade. There will be weekly discussion postings that are designed to prompt discussion on the most important issues in that week’s assignment. You will be graded generally on the timeliness, relevance, comprehensiveness and clarity of your responses. (Please see the form below for a more complete explanation of the manner of grading your participation in "Discussion" postings.)

Participation Grade Form

Participation is a key factor to success in an online class. Participation in the discussion forums weighs heavily on the final grade (20%). In order to receive credit you will need to check into the discussion folders each week. Though it will vary from week to week, it is expected that you contribute at least one original post and respond to the posts of at least two other students each week.

The rating scale ranges from 1 to 4 with 1 applying to student participation which is less than acceptable. A score of 4 represents the attainment of the highest standard of participation.

Category	1	2	3	4	POINTS
Promptness and Initiative	Does not respond to most postings; rarely participates freely	Responds to most postings several days after initial discussion; limited initiative	Responds to most postings within a 24 hour period; requires occasional prompting to post	Consistently responds to postings in less than 24 hours; demonstrates good self-initiative	
Delivery of Post	Utilizes poor spelling and grammar in	Errors in spelling and grammar evidenced in several	Few grammatical or spelling errors are noted in	Consistently uses grammatically correct posts with rare	

	most posts; posts appear "hasty"	posts	posts	misspellings	
Relevance of Post	Posts topics which do not relate to the discussion content; makes short or irrelevant remarks	Occasionally posts off topic; most posts are short in length and offer no further insight into the topic	Frequently posts topics that are related to discussion content; prompts further discussion of topic	Consistently posts topics related to discussion topic; cites additional references related to topic	
Expression Within the Post	Does not express opinions or ideas clearly; no connection to topic	Unclear connection to topic evidenced in minimal expression of opinions or ideas	Opinions and ideas are stated clearly with occasional lack of connection to topic	Expresses opinions and ideas in a clear and concise manner with obvious connection to topic	
TOTAL					

Grade Calculation

The following scale will be used to determine letter grades:

Grade	Range
A	93+
A-	90-92
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D+	67-69
D	63-66
D-	60-62
F	Below 60

If you believe that you have a disability requiring accommodations in this class, please contact Janine Allo in the Counseling Department, Office of Disability Services, as soon as possible. After you receive your accommodation form, please contact the instructor ASAP to insure all accommodations are implemented in a timely fashion. It is the student's responsibility to seek and secure accommodations prior to the start of a test or project. Accommodations cannot be provided until you supply the instructor with a form from Janine

Contact: Janine Allo
Counseling Department, Office of Disability Services
Office: Hauke 007
Phone: 802-865-5484
Email: jallo@champlain.edu

Academic Honesty

If a student is found to have cheated, the student will be given a "0" for that assignment. A student found cheating a second time is subject to a harsher penalty, including dismissal from school.

Champlain College Policy:

"In the preparation and presentation of any assigned work-including examinations, tests, quizzes, term papers, reports, themes and other written or oral exercises-every student shall conform to a strict standard of academic honesty. Any attempt to deceive a faculty member or to help another student to do so will be considered a violation of this standard. In all assignments, students must acknowledge the words and/or ideas of others taken from print or electronic media, whether a direct quotation or a paraphrase; any omission of this is dishonest. Cheating on examinations or tests consists of knowingly giving, receiving or using-or attempting to give, receive or use-unauthorized assistance during an examination or test. A faculty member may record a grade of "zero" for any assignment on which a student has plagiarized or cheated. For repeat offenses within a single course, the faculty member may record a grade of "F" for the course. Violations of this policy in multiple courses may result in dismissal from the College. A student may appeal these decisions according to the Academic Grievance Procedure."

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